

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**TYWANDA DENT, Individually, and as
Parent, Natural Guardian and Next Friend
of TYNELL JIMMERSON, a Minor,**

Plaintiff,

vs.

**THE CITY OF PAPILLION and OFC.
ROBERT MORRELL,**

Defendants.

8:23CV__

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 2679(d)(2), Defendant Officer Robert Morrell removes to this Court the State Court civil action indicated in the attachments to this Notice.

Defendant represents that:

1. Officer Robert Morrell is a Defendant in the above-captioned civil action which is pending in the District Court of Douglas County, Nebraska, as case number CI 23-502. No trial has yet been had in that action. Copies of all process, pleadings, and orders served upon Defendant Morrell in that action are attached to this notice as Exhibit A.

2. At all times relevant herein, Defendant Officer Robert Morrell was employed as a Police Officer with the Papillion Police Department, but at the time of the events alleged in Plaintiff's Complaint, was acting in his capacity as a Deputized Task Force Officer of the Federal Bureau of Investigation ("FBI").

3. Plaintiff in the state court action seeks money damages from Officer Robert Morell for personal injuries to Tynell Jimmerson arising out of a motor vehicle accident.

4. Plaintiff's claim for relief allegedly arises under state tort law. However, Congress has provided that the exclusive remedy for such an alleged "wrongful" act of an employee of the

United States Government, acting within the scope of his/her employment, shall be an action against the United States under the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b); 2671-2680 (1988). *See* the Federal Employees' Liability Reform and Tort Compensation Act of 1988, § 5, Publ. No. 100-694, 102 Stat. 4563 (1988) (codified at 28 U.S.C. § 2679(b)(1)). Attached hereto as Exhibit B is the certification of the United States Attorney that Officer Robert Morrell was acting within the scope of his employment at the time of the incident out of which the claim arose. Title 28 U.S.C. § 2679(d)(2) provides that this action shall be removed to United States District Court upon such certification.

Officer Robert Morrell prays that the above-captioned action, pending in the District Court of Douglas County, Nebraska, be removed to this Court.

OFFICER ROBERT MORRELL,
Defendant,

STEVEN A. RUSSELL
United States Attorney
District of Nebraska

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REQUEST FOR TRIAL

The United States of America requests that trial of this case be held at Omaha, Nebraska, and that the case be calendared accordingly.

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all registered participants. I also hereby certify that a copy of the same was served by email to the following:

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s/ Danielle Rowley

Danielle Rowley
Assistant United States Attorney